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VIRLYNN TINHELL  
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,  
Plaintiff,

vs.

JOHN CHARLES MCCLUSKEY,  
Defendant.

No. CR-2010-0823

RESPONSE TO MOTION TO  
SUPPRESS OUT OF COURT AND  
ANY IN COURT IDENTIFICATION  
OF THE DEFENDANT

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned deputy, respectfully requests the Court deny the Defendants motion.

FACTS

The victims in this case, [REDACTED] and [REDACTED] are truck drivers. On 7/31/10 at approximately 5 am, they spoke to an Officer Hamilton and a Detective Conway about an incident where they were held at gunpoint and their truck was overtaken, with them in it. [REDACTED] speaks English, [REDACTED] only speaks broken English.

[REDACTED] told Officer Hamilton that they were east bound on interstate 40 near Kingman, where they pulled off the road to change drivers. The passenger door opened and someone said, "nobody move". [REDACTED] said he saw a white male wearing an orange prison jumpsuit. [REDACTED] said the suspect asked them if there were any weapons in the vehicle and they answered that there were not. The suspect then entered the vehicle followed by a second white male with a gun, and a white female wearing

1 camouflage. One of the males told them that they had just escaped from prison, they  
2 were in prison for murder, and they did not want to kill anyone else as long as they  
3 cooperated. [REDACTED] stated he and [REDACTED] were pushed into the back of the truck by the  
4 suspects. [REDACTED] said one suspect sat in the back holding them at gunpoint, the other  
5 male sat in the driver seat and the female sat in the passenger seat. [REDACTED] said that the  
6 suspects also took his cell phone and made calls on the cell phones. Both suspects  
7 were described as having multiple tattoos on both arms. [REDACTED] advised that the one  
8 who was driving had a cut on his left hand and a cut on his right arm. The third suspect  
9 was a female wearing a camouflage shirt with shoulder length dark hair. One of the  
10 males had lighter hair and the other one had dark hair.

11 The victims were asked if they had any other clothes. The male suspects  
12 stripped off their prison jumpsuits, threw them out of the truck and changed into the  
13 truck driver's clothes. [REDACTED] described one suspect as a tall white male who would then  
14 be wearing a white collared, button up shirt with blue stripes and blue jeans. The  
15 second white male was described as changing into a dark purple t-shirt with red stripes  
16 and blue jeans. After changing clothes, they continued to drive on I-40 until they  
17 reached a gas station in Flagstaff, AZ. The suspects told them to lie face down and not  
18 to watch them leave or they would kill them. [REDACTED] added that he thought the suspect  
19 driving was a professional truck driver because he backed the truck and trailer into a  
20 parking spot. He also saw him wiping off the steering wheel of the vehicle before he  
21 left.

22 He said at first he thought maybe they were Mexican so he addressed them in  
23 broken Spanish. But when he told them he didn't understand Spanish, they asked him  
24 where he was from. He informed them he was from India and from then on all  
25 conversations were in English.

1 Officer Hamilton spoke with [REDACTED] briefly, and he corroborated most of what

2 [REDACTED] had stated.

3 After speaking with Officer Hamilton, [REDACTED] was escorted into interview room 1  
4 and [REDACTED] into interview room 2 at the Flagstaff Police Department. [REDACTED] interviewed  
5 with Detective Conway from Flagstaff PD, by himself. [REDACTED] gave the detective the  
6 following additional information: the incident began around 12:15 on exit ramp 44 of I-  
7 40; they were pushed into the sleeper cab of the truck; the older male got into the  
8 drivers seat; the males attempted to make some small talk with them and asked their  
9 names, where they were from, and where they were going; the suspects ate their Indian  
10 food in the fridge; they asked them for money and he gave them \$60 from wallet; the  
11 female went into a store and at that time is when they males asked them for a change of  
12 clothes; [REDACTED] provided the driver with a size waist 38 pair of pants and had to give the  
13 driver a belt because he had a thinner waist line; the driver was described as an older  
14 white male in his 50's with grey or white hair that was very short in a buzzed style, he  
15 was 6'2" and muscular build.

16 Detective Conway stated in his report that he did not conduct a full interview with  
17 [REDACTED] due to the language barrier and did not want to have [REDACTED] possibly interpret his  
18 own feelings or views of the events to [REDACTED]. However, at various times [REDACTED] was  
19 able to understand the officer and spoke broken English. [REDACTED] described the same  
20 clothing descriptions as [REDACTED] did, stated both males had tattoos on both arms, knew  
21 the driver was bleeding, estimated him about 5'8", and had a muscular build and  
22 grey/white hair.

23 Four photo lineups were given to each of the two victims in which the Defendant,  
24 and his three co-defendants were pictured. [REDACTED] was given his photo lineup separately  
25 from [REDACTED] so [REDACTED] could not see who [REDACTED] picked out. [REDACTED] identified McCluskey  
as one of the males and Welch as the female. He was unable to identify the third male.

1 [REDACTED] did have to assist in the reading of the photo lineup cover sheet to [REDACTED]  
2 However, he was asked not to assist or offer an opinion. [REDACTED] identified the driver as  
3 McCluskey, the female as Welch, and didn't recognize any photos as being the third  
4 male, now known to be Province.

#### 5 LAW and ARGUMENT

6 The photo lineup was not unduly suggestive. However, even if the court finds  
7 that it was, in analyzing the Biggers factors, the identifications should stand.

8 First, [REDACTED] identified Defendant as being the driver of the vehicle. He was in the  
9 room by himself, he was not with the victim [REDACTED] during the identification. (See Exhibit  
10 1, pg. 5, line 29-30). There is no possibility of the victims persuading the other at all.  
11 [REDACTED] was in the room to interpret for [REDACTED] during his identifications, but again, the  
12 Detective made sure he only translated the photo line up cover sheet. (See Exhibit 1,  
13 pg. 6, line 1-3).

14 Second, the State submits that the *Biggers* factors weigh in favor of a valid  
15 identification. Both victims were in the truck with the Defendant for at least two hours as  
16 they drove from the Kingman area to Flagstaff, and stopped on the way. Further, the  
17 area they were in for two hours was a small cab of a semi-truck, not a crowded room or  
18 a public place. The victims spoke to the Defendant various times. They indicated they  
19 talked about where they were from, and what language they spoke. They gave the  
20 suspects money, food, and a change of clothes. [REDACTED] even knew that the driver,  
21 McCluskey, had to have a smaller waist size than him because he gave him a belt to  
wear with his 38 waisted pants.

22 The degree of the attention of the witness was great. They both recognized that  
23 McCluskey had a cut on his left hand, that he was older, and that he was muscular.  
24 [REDACTED] even gives a very astute detail - that he thought McCluskey had driven a truck  
25 before because of the way he was able to back into a parking spot. There is no  
evidence that the victims were not confident in their identifications, or expressed any

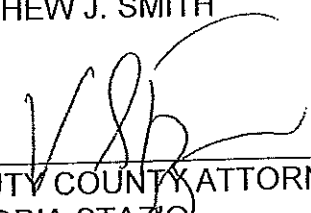
1 possible uncertainty. Also, the victims were hijacked by the Defendant at 12:15, were  
2 with them for over two hours, and made this identification around 5:30 am the same  
3 day. The identification had to have been within a few hours at most from when the  
4 Defendant left the victims.

5 CONCLUSION

6 Due to the fact that the photo line ups were not unduly suggestive and the  
7 identification of the Defendant meet the Biggers factors, the State would request this  
8 Court deny Defendant's motion.

9  
10 RESPECTFULLY SUBMITTED THIS 3RD DAY OF JUNE, 2011.

11 MOHAVE COUNTY ATTORNEY  
12 MATTHEW J. SMITH

13 By   
14 DEPUTY COUNTY ATTORNEY  
VICTORIA STAZIO

15 A copy of the foregoing  
16 sent this same day to:

17 HONORABLE STEVEN F. CONN  
SUPERIOR COURT JUDGE

18 JOHN A. PECCHIA and JASON STEFFEN  
19 PUBLIC DEFENDER and DEPUTY PUBLIC DEFENDER  
Mohave County Public Defender's Office  
20 P O Box 7000

21 Kingman AZ 86402

22 By VS

# EXHIBIT 1

1 JP John Pecchia, Public Defender, Mohave County Public Defender's Office  
2 VS Victoria Stazio, Deputy County Attorney, Mohave County Attorney Office  
3 DC Detective Conway, Flagstaff Police Department  
4 OH Officer Hamilton, Flagstaff Police Department  
5 VS And John if you kinda wanna ah take it away from here, we can go from...  
6 JP Okay.  
7 VS ...okay.  
8 JP This is John Pecchia with the Public Defender's Office. And what I want to do is  
9 just over your reports with you Officer Conway, er, you're a detective right?  
10 DC I am, yeah it's fine, it doesn't...  
11 JP Yeah, why don't you just give me...  
12 DC (inaudible)  
13 JP ...yeah, why don't you tell me what your position is, how long you been doing it,  
14 your background.  
15 DC Sure, I'm a detective with the Flagstaff Police Department. Um, I've been  
16 employed for almost 11 years and I've been a detective um, for about 2 ½.  
17 JP Alright. And you did reports in this case right?  
18 DC Yes.  
19 JP Now when I look through the disclosure I received, your reports are probably  
20 limited to, I don't know to pages what I have marked are, ah 421, 422, and 430  
21 and 431 and also 448 and 454. I don't know if you have the same markings?  
22 DC I don't, um, your's is  
23 JP Let's do...  
24 DC ...probably coming from the County Attorney's there I assume, so.  
25 JP Alright, well then let's do it this way. The one report I have from you, is about...  
26 DC About 8 pages long or so, just the narrative part.  
27 JP Yeah I've got a narrative with 6 pages, does that sound right?  
28 DC Let me start labeling it one starting off with the face sheet. I have 7 pages all  
29 together starting off with the ah, with the face sheet.  
30 JP And does the face sheet show the ah, 11 items under evidence and...  
31 DC Yeah.

1 JP ...okay. Good. Alright. So, how did you get involved in this case?

2 DC I was the ah, on call detective for that weekend and ah, patrol called advising that  
3 they had a ah, a kidnap, two, two victims of a kidnap that occurred outside of  
4 Kingman. Ah, in which they were advised ah, through their preliminary  
5 investigations that it was some escapees. I guess we had ah, the attempt to  
6 locates from Mohave County coming about the same time. And so they were  
7 able to piece ah one and one together along with the, the statements from the  
8 two truck drivers. So that, that's how I got involved.

9 JP Now did you stay at the police department or did you go out to where the ah, two  
10 truck drivers were?

11 DC I did, but not initially, I remained at the, when I got to the station here, the two  
12 truck drivers were already here, so ah, I conducted my interviews with them first  
13 and then we went out to the scene and I processed any evidence that ah, was  
14 collected out there.

15 JP Now when you, when you interviewed the truck drivers, did you interview them  
16 together or separately?

17 DC I, there was, there's no, ah, they're both from India. Um, one spoke English  
18 pretty well. His name was ah, [REDACTED], um, [REDACTED] The second  
19 one, he owned the truck, the second one was a [REDACTED] He didn't speak  
20 very good English at all. He could understand a few things but ah, ah, he had to  
21 have some translation for the majority of it, so with that being said, I conducted,  
22 they were separated, um I spoke with [REDACTED] first and got the majority of the  
23 information from him. And then I did speak with [REDACTED] but ah, the, I had to use  
24 [REDACTED] for a little bit of translation.

25 JP Alright. And you recorded those interviews, right?

26 DC Yeah, should be ah, the video and audibly.

27 JP Alright. Now was there, have you had a chance to review your ah, the narrative  
28 that you wrote on this case?

29 DC Yes.

30 JP Now is everything you dealt with included in the narrative?



1 DC Yes.

2 JP Have you had any conversations with either of the truck drivers since?

3 DC No. Not since that day.

4 JP So when, so at the end when you prepared the report, um, that was it for your  
5 involvement?

6 DC Um, as far as what's contained in the report, yes.

7 JP Okay.

8 DC Ah, there was another subject involved with, outside of the two truck drivers that I  
9 spoke with and dealt with, by the name of Scott Glattenfelder, but um...

10 JP That came later, right?

11 DC That came later, that came the day after. Um, other than those two people, I  
12 was, I was done with any, any further information.

13 JP And then ah, this Scott Grattfelder, I think is the last name, right?

14 DC (inaudible) Glattfelder, something, yeah, I think I have the pronunciation wrong  
15 but it's the same thing.

16 JP And you re, did you record that conversation with him?

17 DC I recorded most of it, I didn't get the first couple ah, ah, sentences ah because I, I  
18 kinda was unaware of what it was at the beginning, so I was caught off guard.

19 JP And he called in to you guys, right?

20 DC He did.

21 JP And he, if I remember right he, he's the husband of Diana Joy?

22 DC Yes.

23 JP Okay. Now, you also did a photo line ups with ah, the two truck drivers, right?

24 DC Yes sir.

25 JP Now who put, who put those ah photo line ups together?

26 DC That was ah, he was a officer at the time, his name was John Buckley, here with  
27 us. Um, he was acting as a Marshal liason, cause we have ah, we have one  
28 officer assigned to the Marshal task force. Um, and so he was assisting the  
29 Marshal's Office and us at the same time. Ah, he has since joined the Marshal's  
30 Office full time and is in California.

1 JP Alright. And so,  
2 DC He was the one that got those together.  
3 JP So do you know the, describe the process as you know it and how the line ups  
4 were put together.  
5 DC Sure um, the photos, I, and I can't, I can't tell you exactly how he did his, there's  
6 a couple different ways you can do it. Um, we go onto a LE Lead, um system  
7 that we have that, it's a database for a MVD photos, ah, booking photos, stuff like  
8 that. Ah, obviously, Province, Renwick, and ah, Welch and McCluskey were all  
9 received off of that as well as the photos that we received from ah, Mohave  
10 County. Um, you go on there, you can create a photo line up, there's a program  
11 on this as well that you can create ah, ah what we call a six pack.  
12 JP Okay.  
13 DC Ah, you go through and it doesn't randomly pick its own, you go through and you  
14 pick a person that have like, like characteristics. You know, same hair color, age,  
15 approximate age, race, ah, so forth. So ya, ya pick out five other individuals  
16 besides the person that you ah, believe is responsible for whatever you're doing  
17 a photo line up for. And then what we will do is we cut out each individual photo.  
18 Ah, label them one through six and we have ah form which I believe you guys  
19 should have, ah, it's a photo line up form that you read through, that we have the  
20 person read through. Ah, they sign and initial that they understand what it means  
21 and the terms of it. Ah, you present those six photos to the subject. You allow  
22 them to, to look through it at their, at their leisure and then at the end they either  
23 initial that they have identified a person and recognize the suspect or else that  
24 they do not recognize any subjects.  
25 JP Okay.  
26 DC That's the gist of it.  
27 JP So in this case, you put together, there were three photo line ups put together,  
28 right?  
29 DC Yes. Actually, there were four. Um we did one for Mr. Renwick too. Ah, we  
30 didn't believe he was involved in it, just from the...

1 JP Right.  
2 DC ...the description that they gave, but we did it to, to eliminate.  
3 JP Okay. And now you said Buckley put together the photos or did you put together  
4 any of them?  
5 DC I did not, it was all Officer Buckley.  
6 JP Alright. Who then displayed the photos to the truck drivers?  
7 DC I displayed 'em to 'em, but it...  
8 JP Okay so when you displayed 'em, do you use the blind method where you only  
9 look at one at a time? Or, what method do you use exactly?  
10 DC What we'll do is, and again, we'll cut out the six photos, you, you label 'em one  
11 through six. Um, the computer, actually, when, when you do it on the computer  
12 program, it will kind of, it will, you go through and pick the nu, the persons that  
13 you want, compared to the characteristics, the computer will generate it one  
14 through six. You then use that generated form um, we cut it out. Label it one  
15 through six. Ah, each, each photo's individual, we present them all at once.  
16 JP Okay. So you hand the, you hand the stack, you hand the stack of six to the  
17 truck driver?  
18 DC Yes. And only line up at a time. We're not...  
19 JP Right.  
20 DC ...providing them all three at once. Ah, you do one at a time. They can look  
21 through it. They can spread it out, they can put one aside thinking that no/yes,  
22 they can put one aside that's says it's a possibility. I mean however they want to  
23 do it. They can compare, contrast, they can look at it for as long as they want to.  
24 And they're all individually cut out.  
25 JP So, was this also recorded?  
26 DC Yes.  
27 JP Okay, alright. And then um you did the same thing with the other truck driver.  
28 You did 'em separate?  
29 DC Ah, again, I, I, I did completely separate with the guy that spoke very good  
30 English. Um, when we got to [REDACTED], I had to use the other truck driver to

1           translate. Ah, with that being said, I asked 'em to make sure that he didn't read  
2           anything outside of what he was supposed to read on the ah, on the cover sheet.  
3           He stated he did and I would have to assume that it was true.  
4   JP     Right, cause you wouldn't know.  
5   DC     I wouldn't know, no.  
6   JP     Alright. And okay, were the, did you notice any injuries that either truck driver  
7           had?  
8   DC     No.  
9   JP     They didn't have any injuries, did they?  
10   DC    They did not, no.  
11   JP     And their clothing, there was nothing remarkable about their clothing?  
12   DC     No.  
13   JP     So, it wasn't anything you kept for evidence, anything like that?  
14   DC     No.  
15   JP     Then, you collected the evidence from ah, your officers that went out to the truck  
16           stop, right?  
17   DC     I had one sit on it. I collected the evidence myself so someone secured it out  
18           there until I was done with the interviews.  
19   JP     Okay, so you went out...  
20   DC     And then I went out there and photographed and collected myself.  
21   JP     ...alright. Okay. And then ah, you collected the evidence and you gave that all  
22           to ah, Officer Lane from Mohave County?  
23   DC     Yeah, Detective C. Lane.  
24   JP     Okay.  
25   DC     On the 5<sup>th</sup> of August.  
26   JP     And you gave him everything you have on this case?  
27   DC     Yes sir.  
28   JP     Alright. And I see the fourth photo lineup, that's the one with ah, Renwick in it,  
29           right?  
30   DC     Yes.

- 1 JP Now when [REDACTED] is the one who spoke English, right?
- 2 DC Yes.
- 3 JP Now when he did the photo line up, he was alone in the room, with you?
- 4 DC Yes.
- 5 JP Okay.
- 6 DC I'm sorry, yes.
- 7 JP Now did you ever meet with that Scott Grattfelder?
- 8 DC Not in person, no.
- 9 JP Was it basically just that one call?
- 10 DC Ah, it was two different calls that day. Um, the majority of it was the first call.
- 11 And then ah, he called back later on that day to provide some ah, some
- 12 information on Joy's family that lived in Young, Arizona, in Phoenix. And thought
- 13 that ah possibly, ah, that group could be at one of her family's residences. Ah,
- 14 that was just a very short conversation, it didn't contain much.
- 15 JP And what...
- 16 DC It was one of the most times, I do not speak with them again.
- 17 JP Now your report, what date did you prepare the report?
- 18 DC Oh gosh, um...
- 19 JP Is there a spot on here that tells me that?
- 20 DC Yep, it would, well it's, it was prepared over multiple days but it was completed
- 21 on the 12<sup>th</sup>.
- 22 JP Okay.
- 23 DC That, that would be on your face page.
- 24 JP Right. Supplement date, okay. So there was a report date of 7/31/2010.
- 25 DC Those would be the two officers that ah, ah, all officers that, that or first
- 26 responding officers should have completed one either that day or the following
- 27 day.
- 28 JP Alright.

- 1 DC Um, obviously being a, the detective and investigating officer you have much  
2 more complicated cases, you gotta listen to the interviews and, and go like that,  
3 so.
- 4 JP I understand.
- 5 DC That's why mine was delayed a little bit, but, in detective time it was actually  
6 done pretty quick.
- 7 JP Alright. And then it says, where it says the signed status, the number 15?
- 8 DC Uh huh.
- 9 JP What does that mean?
- 10 DC That, that, that's ah, ah an internal number that we assign that just indicates that  
11 it's a pending report. A one five means that it's pending.
- 12 JP And then disposition two four, what does that mean?
- 13 DC That means informational.
- 14 JP Okay.
- 15 DC Ah, informational could be for a number of reasons. It's, it's not a crime that  
16 neces, like the reason the two four was assigned to this is because it was a  
17 crime, but it wasn't a crime that occurred in our jurisdiction. So it was ah, it was  
18 closed as an informational report, assist other agency.
- 19 JP Alright, and then once you prepared report, you passed it on to ah, who the  
20 Marshal's or?
- 21 DC It's gone a couple different places from my under, I shipped off a package to ah,  
22 the FBI office. Um, I don't have the guys name off the top of my head. Um, all  
23 he got was just reports. He didn't get any evid, obviously all the evidence went to  
24 Mohave. I would assume reports went to Mohave and I would assume reports  
25 went to the Marshal's office as well. I personally didn't give 'em any.
- 26 JP Alright.
- 27 DC The only report I personally gave to or sent off to was the FBI office.
- 28 JP Okay. And now, was there, when you looked at the ah, photo line ups prior to  
29 showing them to [REDACTED] ah, did you notice anything about the photo line ups that  
30 you would have thought nah, these aren't all alike or close enough?

- 1 DC Ah, no the only one that I didn't really like was, ah I thought he did a pretty good  
2 job of them, the only one I did not like was ah, was Mr. Province just because we  
3 couldn't find a more recent picture than, I think it was 1993. Um, that was the  
4 only issue I had with the photo line ups, but.
- 5 JP And, and Province was never picked out by either one right?
- 6 DC Correct.
- 7 JP But they both did pick out Welch and ah, McCluskey?
- 8 DC Yes.
- 9 JP Did you ever find out a degree of certainty?
- 10 DC Umm...
- 11 JP You know like, I'm pretty sure, sorta sure.
- 12 DC Ah the, from what I can rec, I would have to go back through and look through  
13 the video or the, the video. But they were both pretty, from what I can remember,  
14 ah, [REDACTED] was pretty quick on identifying both McCluskey and Welch and I  
15 believe ah [REDACTED] was pretty quick on it as well. I don't think that there was any  
16 hesitation in there.
- 17 JP Alright.
- 18 DC I can't, now they didn't say I'm a hundred percent, I can't tell you right now  
19 whether or not they said that this was a hundred percent him. I, I just reviewed  
20 my report, I didn't go through and look through the whole, ah two hour interview,  
21 or whatever it was.
- 22 JP Okay.
- 23 DC Sorry.
- 24 JP Nope, that's alright. You know I think that's all I have.
- 25 DC Okay.
- 26 VS Okay, and, and John just um, a question to you. Have I ever disclosed to you a  
27 video...
- 28 JP Huh?
- 29 VS ...that contains the ah, line up?

1 JP I've got, what I have is the ah, actual line ups in color on a CD but I don't have  
2 the video.

3 VS Yeah, I don't think I do either. Detective Conway, is there a way for me to  
4 request that video? Can I either do it through you or um, should I go and ask  
5 somebody else for it?

6 DC I can get that for ya, I think.

7 VS Okay.

8 DC Can I put you on hold real quick and just verify that I've, I got a stack of 'em here  
9 I believe I have available, so.

10 VS Sure.

11 DC Ah, stand by just one.

12 VS Okay. Hey John, do you see that in the report?

13 JP I know it, it was my understanding it was videoed. But...well I know there, were  
14 the video interviews with [REDACTED] and [REDACTED]

15 VS Right.

16 JP But I'm not sure. Frankly I'm not sure if I have that.

17 VS Um...

18 JP And I'm not sure if that, if I have it, I'm not sure if it includes the photo line up.

19 VS Yeah, I'm, I'm kind of on the same wave length as you, so maybe if I just request  
20 it again and um, just to cover...

21 JP Yeah.

22 VS ...cover all bases, okay.

23 JP Let's do that.

24 (PAUSE)

25 DC You guys still there?

26 JP Yeah.

27 DC There is a um, it's all on the same, it's not a separate one. It should say ah, I  
28 labeled it ah, it says [REDACTED] Photo Line Up and it starts off with an interview with  
29 [REDACTED]

30 VS Okay.



1 DC It shows him sittin' in a room by himself.

2 JP Hmmm. Alright.

3 DC And it's labeled, it's labeled at least on my CD is room number three, cause that's

4 the interview room it was done in.

5 VS Okay.

6 DC And then ah, what happens is, I transition from [REDACTED] ah, he sitting there for an

7 amount of time and then I bring in the photo line ups. [REDACTED] leaves the room and

8 that's when ah, [REDACTED] is in there and we do him first. And then [REDACTED] goes after

9 that.

10 VS Okay, let's see.

11 DC If you guys have that one.

12 JH Alright.

13 DC It'll say room number three, if you plug in a CD, it'll say room three, and it'll start

14 off about 7:44 in the morning.

15 JP Okay, I have a CD that says room number three. I have one that says room

16 number one.

17 DC Plug in that one that says room number three.

18 JP Alright.

19 DC I'm sorry, you might not have had a computer right there.

20 JP Heh, heh, but I might.

21 DC I just assumed.

22 JP Let's see what I get here. 7:44?

23 DC Yep. You'll look, there should be three, cause it um, the way the machine

24 records, it'll break off the block, so it should be the last ah, file on that CD.

25 JP Alright, let me see.

26 DC And it should start off with 9:44.

27 JP This is sort ah, alright this, hmm, clearly the guy is alone.

28 VS Yeah I think um, you should have it John. I have one that ah, the timer, the first

29 one the timer started at 7:44, the second one 8:44 and the last one 9:44.

30 DC Go to the last one.

1 JP Oy, see now you're testing my abilities.  
2 DC (Laughing)  
3 JP (Laughling)  
4 DC And the photo line up's presented to [REDACTED] at about 9:50.  
5 JP At 9:50? Well I'm not getting, I'm not getting the options for, oh wait here we go.  
6 I see. The last one. Got it.  
7 VS Okay.  
8 JP Alright, that's good.  
9 DC (inaudible)  
10 JP You're the really good looking guy with the tie.  
11 DC That would be me, the bald man.  
12 JP Alright. That's good.  
13 VS Okay.  
14 JP I've got it.  
15 DC (inaudible) but there in, [REDACTED] will come in afterwards and, and that's about the  
16 end of it.  
17 JP Okay.  
18 VS Okay John, any, any other ah follow up for Detective Conway?  
19 JP No. And I thank you for your time.  
20 DC Ah, it's no problem.  
21 VS Okay.  
22 JP Alright thanks.  
23 DC Um, I have Officer Hamilton here, you want me to just bring him on in?  
24 JP Sure. (sound of CD playing in background)  
25 DC Okay. Alright man. This is Officer Hamilton here and ah, Officer Weinhold  
26 should be in, in a few too, so.  
27 JP Alright, thank you.  
28 DC Have a seat bud, and they're all yours.  
29 **END INTERVIEW WITH DETECTIVE CONWAY**  
30 **BEGIN INTERVIEW WITH OFFICER HAMILTON**

1 OH Hello.

2 VS Hi Officer Hamilton, how are you?

3 OH Good.

4 VS Good, my name is Victoria Stazio, I'm from the County Attorney's Office and also  
5 on the line is John Pecchia, from the Public Defender's Office. And at this point  
6 John I will turn it over to you.

7 JP Alright. Thank you. Officer Hamilton, I'm reviewing your report which probably is  
8 about, is it fair to say four pages long with basically the narrative?

9 OH Yes.

10 JP And then um, that's your complete report?

11 OH Yes sir.

12 JP And there's nothing ah, nothing that you did not include in the report?

13 OH No.

14 JP And so, how did you get involved in the case?

15 OH I responded to a call for service and came into contact with the victims there.

16 JP And that was at the ah, gas station?

17 OH Yes sir.

18 JP Now did you notice them, the ah two truck drivers, right? Those are the truck  
19 drivers you're talking about?

20 OH Yes.

21 JP And ah, did you notice any injuries or anything like that?

22 OH No I did not.

23 JP And their clothes were not torn or ripped or anything like that?

24 OH No.

25 JP Um, what did you learn about the two truck drivers?

26 OH They told me that they had been kidnapped at gunpoint and driven there and  
27 then released there at the Little America Truck Stop.

28 JP Alright. And so, what did you do?

- 1 OH I got the suspects descriptions, aired it over the radio and did basically an initial  
2 interview with them about what had happened to get the basic information about  
3 what was going on to see where we needed to take the investigation.
- 4 JP You know at that point in time, before you, before you even got the call out to the  
5 gas station, were you aware that there had been an escape?
- 6 OH No I was not. Dispatch advised me right, I had received the call about a  
7 kidnapping and I was on my way to the call and then dispatch advised me that  
8 they've just received information that there had been a prison escape in  
9 Kingman.
- 10 JP So were you the first one on the scene then with the two truck drivers?
- 11 OH Yes I was.
- 12 JP Did anyone else come to help ya?
- 13 OH Um, Officer Weinhold and Corporal Benson I believe came to ah, yes assist.
- 14 JP And did you collect any evidence?
- 15 OH I did not collect any evidence myself, no.
- 16 JP And did you talk to anyone else who was ah, at that ah, truck stop?
- 17 OH No.
- 18 JP So about how long were you there?
- 19 OH At the truck stop, probably 15 to 20 minutes.
- 20 JP And you got the description from the truck drivers of the, what the suspects were  
21 wearing, right?
- 22 OH Yes.
- 23 JP Did you talk to anybody in the gas station itself?
- 24 OH No, I did not.
- 25 JP Alright. And were you the one who ah, transported the two truck drivers to ah,  
26 the station, police station?
- 27 OH Yep, yes I was.
- 28 JP And did you have any conversation with them while they were in the car?
- 29 OH No I did not.

1 JP And then you had the task of trying to ah, locate where the calls were made to or  
2 from, from the cell phones that the truck drivers had?  
3 OH Yes.  
4 JP And so what you could do, was you got as close as the towers, right?  
5 OH Yes.  
6 JP And that's about the end of your involvement, isn't it?  
7 OH Yes sir.  
8 JP And nothing since the 31<sup>st</sup>, right?  
9 OH No.  
10 JP Okay. Alright, that's all I have, thanks.  
11 OH Alright thank you.  
12 VS Thank you Officer Hamilton. Is um, Officer Weinhold ah available or should I call  
13 back at 4:30?  
14 OH Let me check and see if she's out here. (background talking) I think that might  
15 have been too fast ah, she  
16 JP (laughing)  
17 OH ...she's not here yet.  
18 VS Okay. Alright I'll um, I'll give you a call back at ah, which number should I call the  
19 ah?  
20 OH Ah, do you want me to have her call you?  
21 VS Yeah, that'll work.  
22 OH Alright, what number should we call?  
23 VS 928  
24 OH I'm sorry, 928?  
25 VS Yep, 753  
26 OH Okay.  
27 VS 0719. And she can just ask for Victoria.  
28 OH Will do.  
29 VS Alright thank you.  
30 JP Alright.

- 1 OH Alright Victoria.
- 2 JP Thanks Victoria.
- 3 VS Thanks, I'll give you a call in about 15.
- 4 JP Alright thanks.
- 5 VS Bye.
- 6 JP Bye.
- 7 **END OF INTERVIEWS**